

REMARKS/ARGUMENTS

In the Office Action, the Examiner noted that claims 1-113 are pending in the application. The Examiner additionally stated that claims 1-113 are rejected. Hence, claims 1-113 are pending in the application.

Applicant hereby requests further examination and reconsideration of the application, in view of the following arguments.

In the Claims

Rejections Under 35 U.S.C. §102(e)

The Examiner rejected claims 1-113 under 35 U.S.C. 102(e) as being anticipated by *Petty et al.*, U.S. Patent 6,594,712 (hereinafter, *Petty*). Applicant respectfully traverses the Examiner's rejections.

Applicant provides herewith a showing under 37 CFR 1.132 that the invention disclosed but not claimed in the *Petty* reference was derived from the inventors of this application and is thus not the invention "by another." In particular, Applicant provides herewith a declaration from the inventors of this application, in accordance with §§ 2136.05, 706.02(b), and 716.10 of MPEP, Rev. 5, Aug. 2006, that:

- (1) they conceived of the claimed invention before the filing date of the *Petty* reference;
- (2) the *Petty* reference describes the invention of which they conceived; and
- (3) this application was filed after the *Petty* reference.

For these reasons, Applicant respectfully requests that the Examiner withdraw the rejection to claims 1-113.

CONCLUSIONS

In view of the arguments advance above, Applicant respectfully submits that claims 1-113 are in condition for allowance. Reconsideration of the rejections is requested, and allowance of the claims is solicited.

Applicant earnestly requests that the Examiner contact the undersigned practitioner by telephone if the Examiner has any questions or suggestions concerning this amendment, the application, or allowance of any claims thereof.

Respectfully submitted,

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Date: _____

Attachments:

Declaration under 37 CFR 1.132 of Richard E. Pekkala, Lawrence H. Rubin, Shaun V. Wandler, and Christopher J. Pettey